

SHB 2788 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 03/07/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The code reviser is directed to put the
4 defined terms in RCW 77.08.010 in alphabetical order.

5 **Sec. 2.** RCW 77.08.010 and 2007 c 350 s 2 and 2007 c 254 s 1 are
6 each reenacted and amended to read as follows:

7 ((~~As used in~~)) The definitions in this section apply throughout
8 this title or rules adopted under this title((~~τ~~)) unless the context
9 clearly requires otherwise((~~+~~)).

10 (1) "Director" means the director of the department of fish and
11 wildlife.

12 (2) "Department" means the department of fish and wildlife.

13 (3) "Commission" means the state fish and wildlife commission.

14 (4) "Person" means and includes an individual; a corporation; a
15 public or private entity or organization; a local, state, or federal
16 agency; all business organizations, including corporations and
17 partnerships; or a group of two or more individuals acting with a
18 common purpose whether acting in an individual, representative, or
19 official capacity.

20 (5) "Fish and wildlife officer" means a person appointed and
21 commissioned by the director, with authority to enforce this title and
22 rules adopted pursuant to this title, and other statutes as prescribed
23 by the legislature. Fish and wildlife officer includes a person
24 commissioned before June 11, 1998, as a wildlife agent or a fisheries
25 patrol officer.

26 (6) "Ex officio fish and wildlife officer" means a commissioned
27 officer of a municipal, county, state, or federal agency having as its
28 primary function the enforcement of criminal laws in general, while the
29 officer is in the appropriate jurisdiction. The term "ex officio fish

1 and wildlife officer" includes special agents of the national marine
2 fisheries service, state parks commissioned officers, United States
3 fish and wildlife special agents, department of natural resources
4 enforcement officers, and United States forest service officers, while
5 the agents and officers are within their respective jurisdictions.

6 (7) "To hunt" and its derivatives means an effort to kill, injure,
7 capture, or harass a wild animal or wild bird.

8 (8) "To trap" and its derivatives means a method of hunting using
9 devices to capture wild animals or wild birds.

10 (9) "To fish," "to harvest," and "to take," and their derivatives
11 means an effort to kill, injure, harass, or catch a fish or shellfish.

12 (10) "Open season" means those times, manners of taking, and places
13 or waters established by rule of the commission for the lawful hunting,
14 fishing, taking, or possession of game animals, game birds, game fish,
15 food fish, or shellfish that conform to the special restrictions or
16 physical descriptions established by rule of the commission or that
17 have otherwise been deemed legal to hunt, fish, take, harvest, or
18 possess by rule of the commission. "Open season" includes the first
19 and last days of the established time.

20 (11) "Closed season" means all times, manners of taking, and places
21 or waters other than those established by rule of the commission as an
22 open season. "Closed season" also means all hunting, fishing, taking,
23 or possession of game animals, game birds, game fish, food fish, or
24 shellfish that do not conform to the special restrictions or physical
25 descriptions established by rule of the commission as an open season or
26 that have not otherwise been deemed legal to hunt, fish, take, harvest,
27 or possess by rule of the commission as an open season.

28 (12) "Closed area" means a place where the hunting of some or all
29 species of wild animals or wild birds is prohibited.

30 (13) "Closed waters" means all or part of a lake, river, stream, or
31 other body of water, where fishing or harvesting is prohibited.

32 (14) "Game reserve" means a closed area where hunting for all wild
33 animals and wild birds is prohibited.

34 (15) "Bag limit" means the maximum number of game animals, game
35 birds, or game fish which may be taken, caught, killed, or possessed by
36 a person, as specified by rule of the commission for a particular
37 period of time, or as to size, sex, or species.

1 (16) "Wildlife" means all species of the animal kingdom whose
2 members exist in Washington in a wild state. This includes but is not
3 limited to mammals, birds, reptiles, amphibians, fish, and
4 invertebrates. The term "wildlife" does not include feral domestic
5 mammals, old world rats and mice of the family Muridae of the order
6 Rodentia, or those fish, shellfish, and marine invertebrates classified
7 as food fish or shellfish by the director. The term "wildlife"
8 includes all stages of development and the bodily parts of wildlife
9 members.

10 (17) "Wild animals" means those species of the class Mammalia whose
11 members exist in Washington in a wild state and the species *Rana*
12 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
13 domestic mammals or old world rats and mice of the family Muridae of
14 the order Rodentia.

15 (18) "Wild birds" means those species of the class Aves whose
16 members exist in Washington in a wild state.

17 (19) "Protected wildlife" means wildlife designated by the
18 commission that shall not be hunted or fished.

19 (20) "Endangered species" means wildlife designated by the
20 commission as seriously threatened with extinction.

21 (21) "Game animals" means wild animals that shall not be hunted
22 except as authorized by the commission.

23 (22) "Fur-bearing animals" means game animals that shall not be
24 trapped except as authorized by the commission.

25 (23) "Game birds" means wild birds that shall not be hunted except
26 as authorized by the commission.

27 (24) "Predatory birds" means wild birds that may be hunted
28 throughout the year as authorized by the commission.

29 (25) "Deleterious exotic wildlife" means species of the animal
30 kingdom not native to Washington and designated as dangerous to the
31 environment or wildlife of the state.

32 (26) "Game farm" means property on which wildlife is held or raised
33 for commercial purposes, trade, or gift. The term "game farm" does not
34 include publicly owned facilities.

35 (27) "Fish" includes all species classified as game fish or food
36 fish by statute or rule, as well as all fin fish not currently
37 classified as food fish or game fish if such species exist in state

1 waters. The term "fish" includes all stages of development and the
2 bodily parts of fish species.

3 (28) "Raffle" means an activity in which tickets bearing an
4 individual number are sold for not more than twenty-five dollars each
5 and in which a permit or permits are awarded to hunt or for access to
6 hunt big game animals or wild turkeys on the basis of a drawing from
7 the tickets by the person or persons conducting the raffle.

8 (29) "Youth" means a person fifteen years old for fishing and under
9 sixteen years old for hunting.

10 (30) "Senior" means a person seventy years old or older.

11 (31) "License year" means the period of time for which a
12 recreational license is valid. The license year begins April 1st, and
13 ends March 31st.

14 (32) "Saltwater" means those marine waters seaward of river mouths.

15 (33) "Freshwater" means all waters not defined as saltwater
16 including, but not limited to, rivers upstream of the river mouth,
17 lakes, ponds, and reservoirs.

18 (34) "State waters" means all marine waters and fresh waters within
19 ordinary high water lines and within the territorial boundaries of the
20 state.

21 (35) "Offshore waters" means marine waters of the Pacific Ocean
22 outside the territorial boundaries of the state, including the marine
23 waters of other states and countries.

24 (36) "Concurrent waters of the Columbia river" means those waters
25 of the Columbia river that coincide with the Washington-Oregon state
26 boundary.

27 (37) "Resident" means:

28 (a) A person who has maintained a permanent place of abode within
29 the state for at least ninety days immediately preceding an application
30 for a license, has established by formal evidence an intent to continue
31 residing within the state, and who is not licensed to hunt or fish as
32 a resident in another state; and

33 (b) A person age eighteen or younger who does not qualify as a
34 resident under (a) of this subsection, but who has a parent that
35 qualifies as a resident under (a) of this subsection.

36 (38) "Nonresident" means a person who has not fulfilled the
37 qualifications of a resident.

1 (39) "Shellfish" means those species of marine and freshwater
2 invertebrates that have been classified and that shall not be taken
3 except as authorized by rule of the commission. The term "shellfish"
4 includes all stages of development and the bodily parts of shellfish
5 species.

6 (40) "Commercial" means related to or connected with buying,
7 selling, or bartering.

8 (41) "To process" and its derivatives mean preparing or preserving
9 fish, wildlife, or shellfish.

10 (42) "Personal use" means for the private use of the individual
11 taking the fish or shellfish and not for sale or barter.

12 (43) "Angling gear" means a line attached to a rod and reel capable
13 of being held in hand while landing the fish or a hand-held line
14 operated without rod or reel.

15 (44) "Fishery" means the taking of one or more particular species
16 of fish or shellfish with particular gear in a particular geographical
17 area.

18 (45) "Limited-entry license" means a license subject to a license
19 limitation program established in chapter 77.70 RCW.

20 (46) "Seaweed" means marine aquatic plant species that are
21 dependent upon the marine aquatic or tidal environment, and exist in
22 either an attached or free floating form, and includes but is not
23 limited to marine aquatic plants in the classes Chlorophyta,
24 Phaeophyta, and Rhodophyta.

25 (47) "Trafficking" means offering, attempting to engage, or
26 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
27 deleterious exotic wildlife.

28 (48) "Invasive species" means a plant species or a nonnative animal
29 species that either:

30 (a) Causes or may cause displacement of, or otherwise threatens,
31 native species in their natural communities;

32 (b) Threatens or may threaten natural resources or their use in the
33 state;

34 (c) Causes or may cause economic damage to commercial or
35 recreational activities that are dependent upon state waters; or

36 (d) Threatens or harms human health.

37 (49) "Prohibited aquatic animal species" means an invasive species

1 of the animal kingdom that has been classified as a prohibited aquatic
2 animal species by the commission.

3 (50) "Regulated aquatic animal species" means a potentially
4 invasive species of the animal kingdom that has been classified as a
5 regulated aquatic animal species by the commission.

6 (51) "Unregulated aquatic animal species" means a nonnative animal
7 species that has been classified as an unregulated aquatic animal
8 species by the commission.

9 (52) "Unlisted aquatic animal species" means a nonnative animal
10 species that has not been classified as a prohibited aquatic animal
11 species, a regulated aquatic animal species, or an unregulated aquatic
12 animal species by the commission.

13 (53) "Aquatic plant species" means an emergent, submersed,
14 partially submersed, free-floating, or floating-leaving plant species
15 that grows in or near a body of water or wetland.

16 (54) "Retail-eligible species" means commercially harvested salmon,
17 crab, and sturgeon.

18 (55) "Aquatic invasive species" means any invasive, prohibited,
19 regulated, unregulated, or unlisted aquatic animal or plant species as
20 defined under subsections (48) through (53) of this section, aquatic
21 noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic
22 nuisance species as defined under RCW 77.60.130(1).

23 (56) "Recreational and commercial watercraft" includes the boat, as
24 well as equipment used to transport the boat, and any auxiliary
25 equipment such as attached or detached outboard motors.

26 **Sec. 3.** RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to
27 read as follows:

28 (1) The commission shall hold at least one regular meeting during
29 the first two months of each calendar quarter, and special meetings
30 when called by the chair and by five members. Five members constitute
31 a quorum for the transaction of business.

32 (2) The commission at a meeting in each odd-numbered year shall
33 elect one of its members as (~~chairman~~) chair and another member as
34 (~~vice-chairman~~) vice-chair, each of whom shall serve for a term of
35 two years or until a successor is elected and qualified.

36 (3) No member may serve as chair of the commission unless that
37 member has been confirmed by the senate.

1 (4) Members of the commission shall be compensated in accordance
2 with RCW 43.03.250. In addition, members are allowed their travel
3 expenses incurred while absent from their usual places of residence in
4 accordance with RCW 43.03.050 and 43.03.060."

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5 On page 1, line 1 of the title, after "RCW;" strike the remainder
6 of the title and insert "amending RCW 77.04.060; reenacting and
7 amending RCW 77.08.010; and creating a new section."

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